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1 A. Yes.

2 Q. Ms. Reed, do you recognize this document?

3 A. Yes, I do.

4 Q. And is this document, which has been
5 marked as Exhibit 21, a copy of the second
6 charge of discrimination you filed against
7 Big Lots with the EEOC?

8 (The referred-to document was
9 marked for identification as
10 Defendant's Exhibit No. 21.)

11 A. Yes.

12 Q. And you also attached a copy of this
13 charge as an exhibit to your complaint,
14 correct?

15 A. Yes.

16 Q. And this is charge number 130-2005-6904,
17 which was filed with the EEOC on September
18 22, 2005; is that correct?

19 A. Correct.

20 Q. Did someone prepare this for you?

21 A. The same attorney, Gary Atchison.

22 Q. Did you review this charge before you
23 submitted it to the EEOC?

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1 Q. But you testified that you don't know if
2 you provided additional information
3 regarding the first charge or not; is that
4 right?

5 A. Right, so --

6 Q. All right. So I was asking you, did you
7 file the second EEOC charge because the
8 EEOC had dismissed the first charge?

9 A. Right.

10 Q. So that's yes?

11 A. Yes.

12 Q. And this charge is also based on alleged
13 conduct that took place between March 28th
14 and March 30th, 2005; is that correct?

15 A. That's what it says on the thing, yeah.

16 Q. So the answer is yes, this charge is also
17 based on alleged conduct that took place
18 between March 28th and 30th, 2005?

19 A. Well, that makes it seem like it just
20 happened only between those dates. Is
21 that what it's saying?

22 Q. This is your charge.

23 A. So that might be...

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1 Q. I'm asking whether the conduct about which
2 this charge is based also took place
3 between March 28th and 30th, 2005, just
4 like your first charge.

5 A. I know, but what I'm asking, is like March
6 28th through 30th is like the only time
7 period that things happened? Is that what
8 that's saying? It's looking like it's
9 saying it only happened between that time
10 period. I'm just asking a question.

11 Q. Well, I'm asking you the questions. This
12 is your EEOC charge.

13 A. Again, those dates refer to the pictures.

14 Q. Okay. So this charge is also based on
15 alleged conduct that took place between
16 March 28th and March 30th, 2005, just like
17 your first charge; is that correct?

18 A. Referring to the pictures, yes, but little
19 comments and stuff made, no.

20 Q. This second charge is based on the same
21 allegations of harassment or
22 discrimination that are included in your
23 first charge; isn't that true?

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1 A. Yes.

2 Q. Attached to the EEOC charge is Exhibit A
3 to the charge; is that correct?

4 A. Correct.

5 Q. And does Exhibit A contain all of the
6 allegations on which you base this EEOC
7 charge?

8 A. Yes.

9 Q. And this charge and the attached pages are
10 the only documents and information you
11 recall providing to the EEOC in support of
12 this, your second EEOC charge?

13 A. Correct.

14 Q. Did you draft Exhibit A?

15 A. Huh?

16 Q. Did you draft Exhibit A?

17 A. The same attorney drafted it, typed
18 everything else up for us -- for me.

19 Q. And in this Exhibit A to your second EEOC
20 charge, you also complain about the same
21 Mike Williams pictures you complained
22 about in your first EEOC charge, correct?

23 A. Correct.

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1 Q. And this conduct by Williams you testified
2 occurred between March 28th and 30th,
3 2005; isn't that correct?

4 A. Correct.

5 Q. And in Exhibit A to this, your second EEOC
6 charge, you have mentioned an alleged
7 statement made by Jerry Culpepper, the
8 store manager, in February 2005; is that
9 right?

10 A. Yes.

11 Q. And this is where he referred to a movie?

12 A. Yes. That other employee, Barbara Martin,
13 she had got a -- I guess you could say
14 assaulted like the day before, that
15 Sunday, at the Winn Dixie. And she came
16 to Big Lots because she didn't know where
17 to go. She came to Big Lots, and she was
18 telling them what happened about the guy
19 came up to her out of nowhere and pulled
20 his genitals out in front of her and it
21 frightened her. So when she got back to
22 work, she told Culpepper, so that's when
23 he got to talking about it reminded him of

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1 an old western about the guy behind the --
2 the white guy was managing the black guy
3 or something, and the white guy was
4 looking for the black guy and the white
5 guy was like, where you at or something
6 like that, and he was like shaking my
7 bush, boss, just shaking my bush, like he
8 was using the bathroom behind the bush.
9 And he actually was doing the example,
10 like shaking my bush, boss, just shaking
11 my bush. But he told me I wouldn't
12 remember the old western because I
13 probably was too young.

14 Q. Okay. And so this comment was made
15 allegedly in February of 2005, right?

16 A. Correct.

17 Q. And that was before you filed your first
18 EEOC charge on June 23, 2005, correct?

19 A. Yes.

20 Q. And this is one of the incidents that you
21 included in your first EEOC charge?

22 A. No, it wasn't -- that wasn't included in
23 the first EEOC charge. It was just the --

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1 the phone or something to them.

2 Q. So it's possible that this is one of the
3 incidents that they were investigating
4 with respect to your first charge?

5 A. It's possible, but I'm not sure.

6 Q. Looking back at your first EEOC charge,
7 which was Exhibit 18, Exhibit A states
8 that there were other comments and
9 statements made during the last 180 days
10 other than just these pictures that you
11 were raising --

12 A. Right.

13 Q. -- in your charge. So would this
14 statement, which occurred during that time
15 frame, be one of the incidents you were
16 referring to --

17 A. Yes.

18 Q. -- in your first EEOC charge?

19 A. That would be it.

20 Q. So you would have included this statement
21 in your first EEOC charge, as far as what
22 you were complaining about?

23 A. Correct.

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1 really saying like what happened to
2 Barbara --

3 Q. Was he talking to her?

4 A. Yeah. She was up there too.

5 Q. So he wasn't to you; he was talking to
6 Barbara Martin?

7 A. He was telling us the story.

8 Q. But he wasn't really talking about you or
9 to you or anything that happened to you?

10 A. No, because nothing -- no. He just --

11 Q. You just overheard him?

12 A. No. He got our attention -- stopped us
13 from doing what we were doing to get our
14 attention to tell us this story. It was
15 like that.

16 Q. Have you ever seen this movie --

17 A. Who?

18 Q. -- that he was referring to?

19 A. No. I don't even know what he's talking
20 about, the name of it or anything.

21 Q. And have you told me all you can recall
22 about that incident?

23 A. Yes.

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1 Q. So you've never seen the movie that he was
2 referring to?

3 A. Huh-uh.

4 Q. So you have no personal knowledge as to
5 what scene he was referring to?

6 A. No.

7 Q. Do you know why he was referring to that
8 movie?

9 A. Because of the other associate, Barbara
10 Martin, got insulted by a guy in a grocery
11 store, and he was referring that incident
12 to the movie. How --

13 Q. Do you know why he made that comment?

14 A. Don't know why.

15 Q. And do you know what he meant when he said
16 it reminded him of, I assume, what
17 happened to Barbara Martin?

18 A. I don't know why.

19 Q. So you have no personal knowledge as to
20 why Culpepper made the comment or what he
21 meant by it, do you?

22 A. No.

23 Q. And Culpepper didn't make any reference to

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1 your race or your sex when he made this
2 comment, did he?

3 A. No.

4 Q. And he didn't make any reference to her
5 race, Barbara Martin's race or sex when he
6 made this comment, did he?

7 A. No.

8 Q. And Barbara Martin was a -- was she
9 another cashier?

10 A. Yes.

11 Q. Do you know whether Culpepper ever made
12 the same comment to white or male
13 employees or referenced this movie to
14 white or male employees?

15 A. No.

16 Q. You don't think that his statement
17 regarding this movie had anything to do
18 with your race or sex, do you?

19 A. I mean, we're black females and he's
20 talking about a black guy behind a bush,
21 so it was kind of offensive for him to be
22 talking about a black male behind a bush,
23 you know, using the bathroom behind a

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1 bush.

2 Q. What does that have to do with your race
3 or your gender?

4 A. I mean, why would a white male be sitting
5 here telling us a story about a black male
6 behind a bush shaking his privates?
7 That's insulting. It's -- I mean, it's
8 like humiliating.

9 Q. What does race have to do with it; do you
10 know?

11 A. I'm still like, why would a white guy tell
12 you a story, so -- why would a white
13 supervisor --

14 Q. What I'm asking you is, did that have
15 anything to do with your race, as far as
16 you know?

17 A. Not as far as I know.

18 Q. Now, did that have anything to do with
19 your gender, as far as you know?

20 A. No.

21 Q. Okay. Now, when you said someone shaking
22 their privates, what are you talking
23 about?

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1 plant?

2 A. I don't think that's what he was talking
3 about, the way he did his gesture.

4 Q. Do you know?

5 A. I don't know. You don't know.

6 Q. I'm asking the questions. Do you know?

7 A. You don't know, so -- so no, nobody knows
8 but Jerry.

9 Q. Well, I've seen the movie, but I'm not
10 testifying here.

11 A. Well, tell me what the movie's name is and
12 I'll go watch it and see.

13 Q. This statement here doesn't say anything
14 -- mention anything about him making any
15 hand gesture, does it?

16 A. No, it doesn't. It say --

17 Q. I'll show it to you.

18 A. Those are my notes and stuff.

19 Q. I've just handed you copies of two
20 documents that you produced earlier today;
21 they have been marked as Exhibit 22. Do
22 you recognize these documents?

23 (The referred-to document was

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1 marked for identification as
2 Defendant's Exhibit No. 22.)

3 A. Yes, I do.

4 Q. Are these your handwriting?

5 A. This one right here is, but this one is
6 not.

7 Q. So you're saying that the -- which is your
8 handwriting?

9 A. This one. This is my handwriting, the one
10 that's got my name at the top of the page.

11 Q. The one with your name at the top that's
12 written in manuscript that does not have
13 the exhibit sticker on it?

14 A. Right.

15 Q. But the one with the exhibit sticker is
16 not your handwriting?

17 A. Correct.

18 Q. Well, whose handwriting is that?

19 A. This is Barbara Martin's handwriting.

20 Q. Why would she have your notes?

21 A. She had my notes because when we sat down
22 together -- when we had our first meeting
23 with the lawyer that we talked to, she was

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1 A. I don't know 100 percent, no, I do not.

2 Q. So you don't know why you've written down
3 February 2005 as the date?

4 A. In her handwriting --

5 Q. No, I'm not talking about her handwriting;
6 I'm asking about yours.

7 A. It happened that day. That's when it
8 happened. That's the month and the date
9 -- and the year that that incident was
10 said.

11 Q. This states that he said, I'm just shaking
12 the bush, boss, just shaking the bush --
13 not my bush, but the bush. Is that
14 accurate?

15 A. That's what the -- that's what it says.

16 Q. The bush?

17 A. Yeah.

18 Q. Is that what was said?

19 A. That's what it says on the paper.

20 Q. Right. And is that what you wrote down
21 after the incident happened?

22 A. Could have been.

23 Q. And this states that the guy was using the

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1 bathroom behind a tree. Could that be
2 what he was talking about when he said
3 shaking the bush?

4 A. Could be.

5 Q. You don't know?

6 A. Don't know.

7 Q. And also in Exhibit A you have shaking the
8 bush, and you're referring to someone
9 behind a tree. So again, that could be
10 referring to the plant or the tree,
11 couldn't it?

12 A. Could be.

13 Q. So there's nothing that has anything to do
14 with your sex?

15 A. Not in that comment, no. Not in that
16 comment.

17 Q. Nor is there anything sexual in this
18 comment, is there?

19 A. I feel it is, but...

20 Q. What?

21 A. You're trying to say shaking the -- okay.
22 No, it ain't.

23 Q. I'm sorry?

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1 A. It's not.

2 Q. It's not sexual?

3 A. No.

4 Q. You never complained about this statement
5 to anyone, did you, at Big Lots?

6 A. How could you go to the manager that said
7 it about the comment?

8 Q. Answer my question.

9 A. How can you go to the manager that said
10 the comment?

11 Q. Did you go to any other manager?

12 A. No, not when the other one was the one
13 taking pictures of you, putting your face
14 on --

15 Q. In February of 2005?

16 A. In February -- who was the managers then?

17 Q. You don't recall who the managers were
18 then?

19 A. I don't even recall who was the managers
20 at that time.

21 Q. So my question was, did you complain to
22 anyone -- did you tell Jerry Culpepper
23 that you were offended by this statement?

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1 A. Did I say it out my mouth? No.

2 Q. Okay. Did you complain to anyone other
3 than Jerry Culpepper regarding this
4 statement?

5 A. No.

6 Q. Have you told me everything you can
7 remember about this alleged statement?

8 A. To my knowledge, yes.

9 Q. In Exhibit A you also state that in March
10 of 2005 Culpepper stated to you that,
11 quote, these customers get on my fucking
12 nerves, end quote. Is that accurate?

13 A. That's accurate and true. I heard it with
14 my own ears, and I wrote that down that
15 day -- I wrote that down. Somebody had --
16 anytime -- Mr. Culpepper used to always
17 cuss. When somebody make him mad or keep
18 calling him to do this or do that thing
19 and --

20 Q. I'm just asking you to answer my
21 questions.

22 A. So yeah.

23 Q. And this comment also allegedly occurred

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1 prior to your filing the first EEOC charge
2 on June 23, 2005; is that right?

3 A. Yeah, correct.

4 Q. And this is also one of the incidents in
5 which you based your June 23rd EEOC
6 charge; is that right?

7 A. Correct.

8 Q. And Culpepper was referring to customers,
9 not you, when he allegedly made this
10 comment, correct?

11 A. Correct.

12 Q. And this statement had nothing to do with
13 you, did it?

14 A. It was still -- fucking -- I mean, the
15 word "fucking," you're saying it in an
16 environment around females. That's not
17 appropriate.

18 Q. I'm asking whether this comment had
19 anything to do with you.

20 A. I heard it. He said it.

21 Q. Other than the fact that you heard it,
22 this comment had nothing to do with you,
23 did it? He was complaining about

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1 customers; is that right?

2 A. Right.

3 Q. So it had nothing to do with you, correct?

4 A. Correct.

5 Q. And Culpepper did not reference your race
6 or your sex when he made this comment, did
7 he?

8 A. No.

9 Q. And this comment doesn't have anything to
10 do with your race or your sex, does it?

11 A. I mean, still, the word "fucking," I mean
12 --

13 Q. I'm asking -- you may not like the word,
14 but I'm asking whether it has anything to
15 do with your race or your sex.

16 A. You're asking what you want to hear from
17 the word. But no, it don't.

18 Q. I'm sorry?

19 A. You're asking --

20 Q. Does it have anything to do with your race
21 or your sex?

22 A. No, it doesn't.

23 Q. In the context of this alleged statement,

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1 Culpepper was not using this word in a
2 sexual manner, was he?

3 A. (No response.)

4 Q. Go ahead and answer.

5 A. Oh, repeat the question.

6 Q. In the context of this alleged statement,
7 Culpepper was not using the word in a
8 sexual manner, was he?

9 A. No, not towards me. Around me, but not
10 towards me.

11 Q. But he's not using the F-word -- is what
12 I'll refer to it as -- in a sexual way, as
13 a sex word, is he? He's just showing
14 frustration; is that correct?

15 A. The word itself is a sex word itself,
16 though.

17 Q. In that context? He wasn't using it in a
18 sex context, was he?

19 A. No.

20 Q. Do you have personal knowledge as to why
21 Culpepper made this statement?

22 A. No.

23 Q. Do you know whether Culpepper ever made

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1 the statement to male employees?

2 A. No.

3 Q. Do you know whether Culpepper ever made
4 this statement to white employees?

5 A. No.

6 Q. Did you complain to anyone about this
7 statement?

8 A. No. He used to cuss so much.

9 Q. I'm sorry?

10 A. I said he -- he cussed all the time.

11 Q. Again, did you complain to anyone about
12 this statement made by Culpepper?

13 A. Who would I complain to, him? And he's
14 the one saying it?

15 Q. Please answer my questions.

16 A. I'm just asking, I'm going to complain to
17 him and he's the one saying it?

18 Q. Did you complain to his boss?

19 A. I don't know who his boss is.

20 Q. You didn't know who the district manager
21 was?

22 A. No.

23 Q. Did you complain to HR?

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1 A. No.

2 Q. So you didn't complain to the district
3 manager, and you didn't complain to HR,
4 did you?

5 A. No.

6 Q. Did you call the complaint hotline?

7 A. Didn't know the number.

8 Q. We've already covered that. The answer is
9 no?

10 A. No.

11 Q. You also alleged in your second charge
12 that Billy Pridgen made a comment on or
13 about July 18, 2005, regarding coconut
14 bras; is that correct?

15 A. Correct.

16 Q. Tell me about that incident.

17 A. Lisa, the fellow employee, she was out --
18 she was off work that day. She came into
19 the store to get boxes --

20 Q. Was she a cashier?

21 A. No. She was like a stocker or something.
22 She came into the store to get boxes, and
23 when she came to the store to get boxes,

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1 Billy was right at the door. And he was
2 like, hey, Lisa, because I guess he was
3 throwing the boxes for her or whatever.
4 He was just like, hey, Lisa, tell Nicole
5 about them coconut bras. And -- because
6 she -- it was her family reunion time, and
7 her family reunion theme was Hawaii, so --
8 I was like coconut bras? And it was over
9 the wall, true enough, the little bitty
10 coconut bras. And he said, coconut bras,
11 you and her are the only ones can fill
12 them. And he actually put his hand on his
13 chest as if he had a breast.

14 Q. You said in your exhibit, you and Lisa are
15 the only ones who can wear those coconut
16 bras. Is that more accurate about what
17 was said?

18 A. Yes, that's what he said, y'all the only
19 ones can wear them. And he placed his
20 hand over his chest and he demonstrated it
21 and laughed, and I walked off.

22 Q. And this was on or about July the 18th of
23 2005?

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1 A. Yes.

2 Q. And was this incident also included in
3 your first EEOC charge?

4 A. It -- I don't know. Probably over the
5 phone but not like in writing, because I
6 talked to several --

7 Q. But you think you probably mentioned it to
8 the EEOC investigator?

9 A. I could have. Yeah, I could have. I
10 don't recall, though.

11 Q. And these coconut bras were being sold at
12 Big Lots with Hawaiian-themed attire?

13 A. Yes, along with the lace and stuff like
14 that for the summertime, summer stuff.

15 Q. And Lisa was present? Lisa Poole was
16 present when the alleged comment was made?

17 A. Uh-huh. Yes.

18 Q. Do you know that Lisa denies that he made
19 that comment?

20 A. I don't know.

21 Q. Is it possible you misheard or
22 misunderstood Pridgen?

23 A. I don't know.

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1 A. Yeah.

2 Q. And again, you don't have any personal
3 knowledge about what he meant?

4 A. No.

5 Q. You don't think that comment had anything
6 to do with your race, do you?

7 A. No.

8 Q. Do you think he made that comment because
9 of your sex?

10 A. Because of my small breasts, yes.

11 Q. But that's just your speculation?

12 A. Yes.

13 Q. Is this the only time you recall Pridgen
14 making such a comment?

15 A. Talking about as far as sexually, yes.

16 Q. I'm asking you if this is the only time
17 you recall Pridgen making a similar
18 comment to this one.

19 A. Similar, yeah. Yes.

20 Q. Did you tell Pridgen you were offended by
21 this comment?

22 A. I walked off from him.

23 Q. That's not responsive.

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1 something --

2 Q. I'm asking you whether you told him --

3 A. -- I'll walk off from him.

4 Q. -- you were offended. It's a yes or no
5 question.

6 A. No, I did not tell him.

7 Q. Thank you. Did you complain to any
8 manager or supervisor or HR about this
9 comment?

10 A. No. Environment too hostile. Didn't know
11 who to talk to.

12 Q. I'll move to strike that as nonresponsive.

13 A. I didn't know who to talk to.

14 Q. The question was, did you complain to any
15 manager or supervisor about that
16 statement.

17 A. Environment too hostile. I didn't know
18 who to talk to.

19 Q. Again, I'm asking you to answer my
20 question. Did you?

21 A. Environment too hostile. I didn't know
22 who to go to. I didn't know who to go to.
23 At that time when situations and instances

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1 was happening, that's --

2 Q. You haven't responded to my question. You
3 didn't call HR?

4 A. No.

5 Q. You also alleged in your second charge
6 that Jerry Culpepper once made a comment
7 after he bought you a soda; is that
8 correct?

9 A. That's correct.

10 Q. Tell me about the incident.

11 A. I was at my register; he was behind the
12 service desk. And he said, would anybody
13 like something to drink. I said, yes, I
14 would, a Sprite, please. He went and got
15 the drink -- he went to the customer
16 service desk and bought it from another
17 cashier, came back, handed it to me. I
18 said, thank you, Mr. Culpepper. He said,
19 I'm going to tell you like the old folks
20 used to tell me, all I want to see now is
21 ass and elbows.

22 Q. And what was your response?

23 A. What was my response? I was just like

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1 shocked, was shocked and everything.

2 Q. Did you have a response?

3 A. Didn't have one.

4 Q. So you have alleged here that that
5 incident occurred on or about August 17,
6 2005?

7 A. Yeah. I should have it -- I've got a -- I
8 should have a receipt for the soda. I
9 kept that.

10 Q. Why did you have the receipt? Did he not
11 buy it for you?

12 A. He bought the -- anytime they buy sodas
13 for us, they give us the receipt to keep
14 on the drink. But if the --

15 Q. So everyone will know that it was paid
16 for?

17 A. Yeah, it was paid -- yeah.

18 Q. So was he being nice, buying you a drink?

19 A. I suppose.

20 Q. Did he do that from time to time for the
21 employees?

22 A. Yeah, after you unload a truck or do
23 something or if the store was just hot

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1 evidence.

2 Q. You can give me a copy of the receipt.

3 A. Oh, okay. I can do that.

4 Q. Or you can call me and we can discuss it
5 and. We'll make arrangements.

6 A. Sure.

7 Q. Is it possible that this is one of the
8 comments on which your first EEOC charge
9 was based?

10 A. I don't think -- huh-uh. No.

11 Q. Had you ever heard the term "ass and
12 elbows" before?

13 A. Have I heard it? Yeah, I've heard it.

14 Q. Had you heard it before that day?

15 A. Yeah, I heard it before.

16 Q. Before that day?

17 A. Uh-huh.

18 Q. Before Culpepper allegedly made that
19 statement?

20 A. Correct.

21 Q. Do you use that term personally?

22 A. No, I don't personally use it.

23 Q. Have you ever?

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1 A. Not in the same sentence, no. No.

2 Q. Not in the same what?

3 A. I never told -- no. My answer is no to
4 your question.

5 Q. You don't know what Culpepper meant by
6 that term, do you?

7 A. I don't know, but from like old people
8 used to say and the way I heard the saying
9 from that comment, it's like he's
10 basically just telling you to get to work
11 or, you know, he wanted to see -- I don't
12 know how to explain what the comment --

13 Q. What do you think he -- you don't know
14 what he meant, do you?

15 A. Huh-uh.

16 Q. Is it possible you misheard him?

17 A. No.

18 Q. You don't know why he made that comment,
19 do you?

20 A. Don't know why.

21 Q. Do you know whether Culpepper made the
22 same comment to male employees?

23 A. No.

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1 Q. Do you know whether Culpepper made the
2 same comment to white employees?

3 A. No.

4 Q. Is this the only time you recall Culpepper
5 making this comment?

6 A. That comment, yes.

7 Q. And he did not reference your race or sex,
8 did he?

9 A. Depend on how you look at "ass." I mean,
10 I really don't know what he meant by it.

11 Q. You don't think this comment has anything
12 to do with your race, do you?

13 A. No, not race, but it could have something
14 to do with sexually or something.

15 Q. Do you know?

16 A. Do you know?

17 Q. I'm asking you. I'm asking the questions.

18 A. I don't know.

19 Q. You don't know?

20 A. Huh-uh.

21 Q. You don't know whether that was a sexual
22 statement or --

23 A. Gesture or -- yeah, I don't know. I don't

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1 know what he meant at that time. I just
2 know he said it.

3 Q. Were you offended by that comment?

4 A. Yeah.

5 Q. But you don't know what he meant?

6 A. I don't know what he meant, but I still
7 took offense to it for my manager to tell
8 me all he wanted to see was ass and
9 elbows.

10 Q. What did you take offense to, the word
11 "ass"?

12 A. Yeah.

13 Q. Just the fact that it's a curse word?

14 A. Yeah. The fact that it -- yeah, the fact
15 that it's a cuss word and he was a
16 supervisor of higher power talking like
17 that --

18 Q. Using that cuss word?

19 A. Yeah.

20 Q. Is that what you found objectionable?

21 A. That's what I found objectionable.

22 Q. Going back to the comment he allegedly
23 made about customers getting on his,

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1 quote, fucking nerves, end quote, is what
2 you found objectionable about that comment
3 too, just the fact that the F-word is a
4 cuss word?

5 A. And he used it as a manager, explaining
6 that --

7 Q. You don't think it's appropriate for them
8 to use a cuss word in the workplace?

9 A. Exactly. Around nobody.

10 Q. So back to this ass and elbows statement.
11 What you found objectionable about that is
12 the fact that a manager would use the word
13 "ass" in the workplace, because that's a
14 cuss word; is that right?

15 A. And not only because it's a cuss word;
16 he's talking about a specific part of your
17 body as a cuss word.

18 Q. Well, you don't know whether he was
19 talking about your ass, do you?

20 A. I don't know. I don't know.

21 Q. I mean, you just don't have any idea?

22 A. No, I don't have any idea. It's just what
23 I took of it, the offense that I took

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1 against the word.

2 Q. You testified that you've heard that term
3 before. In what context have you heard it
4 used before?

5 A. What?

6 Q. The term "ass and elbows"?

7 A. In a song.

8 Q. What song?

9 A. It was -- I mean, it was -- was it a song?
10 Oh, I'm thinking about something else. I
11 thought I heard that. I've done heard it
12 said before.

13 Q. Do you think he was just being funny?

14 A. I don't know.

15 Q. Is it possible?

16 A. At the time -- I'm trying to put myself
17 back in that environment. At the time --
18 he could have; I don't know. Because he
19 was buying everybody sodas, so maybe he
20 was in a good mood.

21 Q. And maybe he was just kidding around?

22 A. Well, I don't think he --

23 Q. Is that possible?

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1 A. I don't think he used to kid like that,
2 though. I mean, he said little slick
3 comments and stuff, but --

4 Q. Well, but do you know whether he was just
5 kidding around at that point?

6 A. I don't know. I can't recall. I don't
7 know.

8 Q. And back to Billy Pridgen. When he made
9 the alleged comment regarding the coconut
10 bras, do you know whether he was just
11 kidding?

12 A. I don't know.

13 Q. I mean, is it possible he was just trying
14 to be funny?

15 A. I know one thing, I have never made
16 comments towards them in any way to make
17 them think like it's okay to say cuss
18 words or anything around me, because I
19 didn't -- I never cussed at them or used
20 any kind of profanity, so --

21 Q. Okay. Well, we're talking about the
22 coconut bra comment?

23 A. Yeah.

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1 Q. That doesn't have any profanity. Do you
2 know what --

3 A. That still was a sexual gesture, though.

4 Q. Do you know whether he was just teasing?

5 A. I don't know. I have no idea. I don't
6 know what was going through his mind at
7 that time.

8 Q. That was just an isolated incident, wasn't
9 it?

10 A. Yeah.

11 Q. And the ass and elbows comment was just an
12 isolated incident too?

13 A. What do you mean by isolated, just one
14 that happened?

15 Q. Yeah.

16 A. Yeah, it was an incident that happened.

17 Q. I know, but it was just an isolated
18 incident; this is the only time you recall
19 him using that term, correct?

20 A. Ass and elbows? Yeah.

21 Q. You don't believe that Jerry Culpepper was
22 trying to come on to you in a sexual
23 manner, do you -- when he made the ass and

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1 elbows comment, do you?

2 A. No.

3 Q. And did you just walk away after he made
4 that comment?

5 A. Yeah.

6 Q. You didn't tell Culpepper that you were
7 offended by it, did you?

8 A. I just didn't say nothing else to him.

9 Q. And you didn't complain to anyone else
10 about this comment, did you?

11 A. Couldn't go back to him about it.

12 Q. You didn't?

13 A. No.

14 Q. And you didn't complain to anyone else?

15 A. No.

16 Q. Culpepper's employment with Big Lots ended
17 before your termination, didn't it? Are
18 you aware of that?

19 A. I think so. I think he did find -- I
20 think I do recall that, him finding a job
21 before the store actually closed.

22 Q. Do you know the date his employment ended?

23 A. Huh-uh. I think I do remember that

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1 information you gave to the EEOC regarding
2 your second charge are the charge itself
3 and then whatever pages are attached as an
4 exhibit; is that right?

5 A. Correct.

6 Q. I've just handed you two pages, which are
7 notes that you produced earlier today, and
8 they've been marked as Exhibit 24. You
9 recognize these documents, I assume?

10 (The referred-to document was
11 marked for identification as
12 Defendant's Exhibit No. 24.)

13 A. Yes, I do.

14 Q. Is this the other incident that you were
15 just about to tell me about?

16 A. Yes.

17 Q. All right. And is this an incident that
18 allegedly occurred on August 4, 2003, at
19 12:00 p.m.?

20 A. Yes, it is.

21 Q. And did you make this note at the time?

22 A. Yes, I did.

23 Q. Tell me about this incident.

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1 A. At this time I was working day shift, and
2 I was helping unload a truck. And my hair
3 was real long, so instead of going there
4 unloading the truck, I had a bandanna
5 wrapped around my head so my hair wouldn't
6 sweat out. And after we finished
7 unloading the truck, like we always do, we
8 get sodas and we take a break before we go
9 to the floor. And at this time, since I
10 had a bandanna wrapped around my head, I
11 went to the break room. And Billy came
12 out and looked at me and said, all you
13 need now is a bag of grits.

14 Q. Is that all he said?

15 A. That's what he said. And every -- I mean,
16 the break room was packed, and everybody
17 -- and I looked at him like, bag of grits?
18 But he was just calling me Aunt Jemima.
19 That's exactly what he was calling me.

20 Q. But he didn't say that?

21 A. All you need to know -- I had a head band
22 tied --

23 Q. I'm asking you what he said. You've

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1 already told me that. I'm asking you what
2 he said.

3 A. That's what he said.

4 Q. What did he say?

5 A. All you need now is a bag of grits.

6 Q. And that's all he said?

7 A. That's what he said.

8 Q. Okay. You're adding the Aunt Jemima part;
9 he didn't say that?

10 A. But --

11 Q. That's what you thought he meant?

12 A. That's what I knew he meant.

13 Q. How could you --

14 A. I mean, I didn't hear it out his mouth,
15 but I knew that, as dark as I am, with
16 this thing tied around my head and a bag
17 of grits -- why would he come in the break
18 room saying I need a bag of grits?

19 Q. I'm asking you the questions. I'm asking
20 what he said. Is Aunt Jemima, is that
21 anything -- is she even the symbol for
22 grits?

23 A. Yeah, she's the symbol for something.

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1 was referring to Aunt Jemima or not, do
2 you?

3 A. You don't either.

4 Q. I'm asking you a question. This is your
5 deposition. Do you know? You don't know
6 what he was thinking, do you?

7 A. You don't know what he was thinking
8 either. That was the most humiliating day
9 --

10 Q. Do you know --

11 A. -- of my life right there.

12 Q. -- what he was thinking in his mind?

13 A. I don't know what he was thinking.
14 Evidently, he didn't either.

15 Q. Is this Billy Pridgen you're referring to?

16 A. Uh-huh.

17 Q. And this incident allegedly occurred in
18 August of 2003?

19 A. Yes.

20 Q. And so that was nearly two years before
21 you filed your first EEOC charge, correct?

22 A. Correct.

23 Q. And almost two years prior to the Mike

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1 Williams pictures about which you
2 complained in your first EEOC charge,
3 correct?

4 A. Nearly.

5 Q. And was this incident included in your
6 first EEOC charge?

7 A. No, it wasn't.

8 Q. And did you not include it in your first
9 EEOC charge because it had occurred so far
10 before --

11 A. Correct.

12 Q. -- before you filed the EEOC charge, is
13 that correct?

14 A. Correct.

15 Q. And this is another isolated incident?

16 A. That happened to -- but the next day
17 Billy, he didn't do --

18 Q. Hold on. Answer my question, then we can
19 move to something else. But this was
20 another isolated incident; is that
21 correct?

22 A. Incident that happened with -- yeah, by
23 itself, yes.

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1 Q. Unrelated to any other incident?

2 A. Correct.

3 Q. Just a one-time comment made by Billy
4 Pridgen in 2003, correct?

5 A. Correct.

6 Q. And you testified that you don't know why
7 Billy Pridgen made that comment, correct?

8 A. He acted on what he seen.

9 Q. You don't know why he made that comment,
10 do you --

11 A. No.

12 Q. -- what he was thinking; is that correct?

13 A. Yeah.

14 Q. Do you know whether Billy Pridgen would
15 have made the same comment to a white
16 employee who was wearing a bandanna on his
17 or her head?

18 A. No, he would have not made that same
19 comment.

20 Q. You don't know, do you?

21 A. He wouldn't have made that same comment --

22 Q. How do you know?

23 A. -- to no white employee with no bandanna

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1 on their head.

2 Q. How do you know? Do you know whether he
3 ever did?

4 A. No, I don't.

5 Q. Do you recall any other employee wearing a
6 bandanna on his or her head?

7 A. Yeah. A guy named John, one of our
8 loaders, he used to always wear it because
9 he would have braids. He's a black guy.

10 Q. Do you know whether Billy Pridgen ever
11 made that comment to him?

12 A. No. Why would he tell him all he need was
13 a bag of grits?

14 Q. Do you know whether he did, is my question
15 to you.

16 A. No.

17 Q. You don't know; is that correct?

18 A. No, I don't know.

19 Q. Do you know whether Billy was just joking?

20 A. No. I don't think he was joking.

21 Q. Do you know?

22 A. I know he wasn't joking, because the break
23 room got quiet. When he came in there

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1 Q. That's not my question. Did he ever make
2 a similar comment to you?

3 A. Other employees, yes, not to me.

4 Q. Answer my question, or we're going to be
5 here all night.

6 A. I told you, not to me. I'm not going to
7 be here all night. I've got to go to
8 school tonight.

9 Q. So the answer is no, he did not make any
10 other similar comment to you?

11 A. No, he did not.

12 Q. Your EEOC charges or the claims you're
13 making in this lawsuit don't have anything
14 to do with any comments Billy Pridgen
15 allegedly made to other individuals, do
16 they?

17 A. No.

18 Q. You don't know whether Billy Pridgen made
19 this comment in any way because of your
20 sex, do you?

21 A. No.

22 Q. And is it just your speculation or just
23 your personal belief that it had something

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1 to do with your race?

2 A. I'm almost sure of it, yes.

3 Q. And the next page says, 10:30 a.m.,
4 8/5/03, he did apologize to me. He said,
5 I was told that yesterday I said something
6 to you that offended to you, but I
7 apologize to you because I like working
8 with y'all. Is that accurate?

9 A. Y'all as in black people. That's accurate
10 because I reported it to Larry Byrne.

11 Q. Who is that?

12 A. At that time he was the district manager
13 or something.

14 Q. So for this incident you called the
15 district manager?

16 A. I called whoever's name -- they had some
17 name up. And then after he left, when all
18 the management stuff started changed --

19 Q. What I'm asking you is, this incident back
20 in 2003 --

21 A. I did report it.

22 Q. You reported it?

23 A. Yes, I did.

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1 Q. And you reported it to the district
2 manager? Is that your testimony?

3 A. Larry -- I think his name was Larry Byrne.
4 I don't know what position he held, but I
5 know he was over Billy, but he wasn't in
6 the store.

7 Q. So then the next day Billy apologized to
8 you?

9 A. After I talked to the man.

10 Q. Okay. But Billy apologized?

11 A. Yeah, he apologized.

12 Q. And he didn't make any other comment to
13 you like this after that, did he?

14 A. No.

15 Q. Okay. And you don't know what he meant
16 when he said, I like working with y'all,
17 do you?

18 A. Y'all as in black people.

19 Q. But --

20 A. I don't know what he meant.

21 Q. All right. But he apologized and it
22 didn't happen again; is that correct?

23 A. Not to me, it didn't. Other employees,

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1 yes, but not to me.

2 Q. Your claims in this lawsuit are based on
3 what happened to you; is that correct?

4 A. It is now.

5 Q. So the one time that he made this comment
6 to you, you reported it; he apologized;
7 and there wasn't another comment like this
8 made by Billy Pridgen, correct -- to you?

9 A. Oh, no, not to me.

10 Q. Ms. Reed, I've just handed you a document
11 that's been marked as Exhibit 25. Is this
12 a copy of the dismissal notice of rights
13 you received from the EEOC with respect to
14 your second charge?

15 (The referred-to document was
16 marked for identification as
17 Defendant's Exhibit No. 25.)

18 A. Correct.

19 Q. And that was charge number 130-2005-06904;
20 is that right?

21 A. Correct.

22 Q. And you attached this document to your
23 complaint as an exhibit, didn't you?

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1 A. Yes.

2 Q. And the document indicates it was mailed
3 on February 6, 2006; is that right?

4 A. Yes.

5 Q. And according to your complaint, you
6 received the document on February 6, 2006;
7 is that right?

8 A. Or something close around that.

9 Q. I'm sorry?

10 A. Or a date close to it. Mail travels.

11 Q. All right. But you've alleged in your
12 complaint that you received it on February
13 6, 2006, so that must be correct; is that
14 right?

15 A. Yeah.

16 Q. And it states the EEOC is closing its file
17 on this charge for the following reason,
18 and the box is checked that states that,
19 based on the EEOC's investigation, it is
20 unable to conclude that the information
21 obtained establishes a violation of the
22 statute; is that correct?

23 A. Correct.

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1 Q. And you only have filed two EEOC charges,
2 the two we've discussed today; is that
3 right?

4 A. Correct.

5 Q. And the two EEOC charges and the attached
6 exhibits are the documents and information
7 you recall giving to the EEOC regarding
8 these charges, correct?

9 A. Repeat that.

10 Q. The two charges that we've discussed and
11 the attached exhibits are the documents
12 and information you recall giving to the
13 EEOC with respect to these two charges; is
14 that right?

15 A. Yes.

16 Q. And you don't recall ever amending these
17 two charges, do you?

18 A. What do you mean, amending?

19 Q. Changing them.

20 A. No.

21 Q. And so the alleged conduct on which you
22 based your two EEOC charges was alleged
23 race and sex harassment, correct?

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1 A. Correct.

2 Q. And have we now discussed all the
3 incidents on which you based your EEOC
4 charges?

5 A. To my knowledge, yes.

6 Q. And you've told me about any complaints
7 you made regarding any of the harassment
8 or discrimination you are alleging,
9 correct?

10 A. Correct.

11 MR. SMITH: If you want to take
12 maybe a short five-minute
13 break.

14 (Brief recess.)

15 Q. We're back on the record after a short
16 break. You understand you're still under
17 oath, Ms. Reed?

18 A. Yes.

19 Q. Your employment with Big Lots ended
20 effective January 11, 2006; is that
21 correct?

22 A. Correct.

23 Q. And you testified earlier that you were

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1 terminated because Store Number 818 where
2 you worked was closed permanently; is that
3 right?

4 A. Correct.

5 Q. And your termination, which resulted from
6 the store closing, is not part of your
7 claims in this lawsuit; is that correct?

8 A. Correct.

9 Q. According to Paragraph 4 of your
10 complaint, which we've already admitted as
11 an exhibit, the acts you're complaining of
12 in this lawsuit are of hostile environment
13 based on your race or sex; is that
14 correct?

15 A. Correct.

16 Q. And as you testified earlier, these are
17 the only claims you're alleging in this
18 lawsuit; is that correct?

19 A. Correct.

20 Q. You are aware that all hourly employees at
21 Store Number 818 were terminated when the
22 store closed, aren't you?

23 A. No, because I was told that some of them

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1 got transferred to 816, the other store.

2 Q. But that's not the case. Do you know
3 that?

4 A. No.

5 Q. Do you have any reason to disagree with
6 that?

7 A. What, that --

8 Q. The fact that no hourly employees were
9 transferred?

10 A. No.

11 Q. According to Paragraph 8 of your
12 complaint, the alleged discrimination
13 occurred on or about March 18th through
14 30th, 2005; is that correct?

15 A. Correct.

16 Q. Your claims in this lawsuit are based on
17 the pictures of employees made by Mike
18 Williams that we've already discussed; is
19 that correct?

20 A. Correct.

21 Q. And for clarification, you're not alleging
22 retaliation in this lawsuit, are you?

23 A. No.

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1 A. No, just about a deposition, asked her has
2 she -- asked her the last time she heard
3 from the lawyer -- heard from you all and
4 then asked her, hey, you got anything on a
5 deposition; you going to do it? And that
6 was the last thing I talked to her about,
7 as far as the case. Autherine Crosky --
8 oh, you didn't ask about her.

9 Q. When was the last time you talked to Ms.
10 Crosky?

11 A. Her personally, I didn't talk to. I
12 talked to her husband on yesterday --
13 yesterday or Monday asking when her
14 deposition was.

15 Q. You called them?

16 A. Uh-huh.

17 Q. Why did you care about when her deposition
18 was?

19 A. Because I thought we was together. I
20 thought she -- because just like last time
21 we appeared in court, me and her didn't
22 talk. We hadn't even talked, and then it
23 was like, bam, both of us here together.

Equal Employment Opportunity

Last update: August 2005

No person shall be discriminated against in employment because of race, color, religion, sex, sexual orientation, age, national origin, mental or physical disability or marital status.

This policy applies to all terms and conditions of employment including, but not limited to hiring, training, promotion, transfer, demotion, compensation, benefits, and termination.

The Executive Vice President is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity.

Each manager is responsible for initiating and administering this policy within his/her store/department.

Every associate is expected to adhere to the guidelines set forth in this policy in both practice and spirit.

Any formal or informal allegation that this policy has been violated should be referred immediately to Human Resources.

Employing Persons with Disabilities

Qualified individuals with disabilities are to be treated in a nondiscriminatory manner in the pre-employment process and in all terms, conditions, and privileges of employment.

All medical-related information is to be maintained in a confidential manner in separate, confidential files.

Applicants and associates with disabilities are to be provided reasonable accommodation, except where making an accommodation would create an undue hardship on the Company.

All requests for reasonable accommodation from qualified applicants and associates with disabilities are to be referred to the appropriate Human Resources manager. The Company will make a good faith effort to assist individuals seeking accommodations.

In determining the feasibility of the requested accommodation, the Company will consider the preference of the individual to be accommodated and, if there are two or more effective accommodations, will choose the least expensive or most practical accommodation that will provide equal opportunity for the applicant or associate.

Accommodation is generally initiated by a request from an applicant or associate. Situations may arise where an associate, who is known to have a disability, may be having difficulty performing the essential functions of his/her job and therefore, may need accommodation. The associate's supervisor should discuss the matter with the appropriate Human Resources manager. The Human Resources manager will advise the associate's supervisor on how to initiate a discussion with the associate.

Violations of this policy may result in disciplinary action, up to and including termination of employment. (See Confidential Information, Harassment-Free Environment, Open Door)

**DEFENDANT'S
EXHIBIT**

6

Harassment-Free Environment

Last update: August 2005

Big Lots strictly prohibits harassment and/or discrimination based on race, color, religion, sex, sexual preference, age, national origin, mental or physical disability or marital status.

Each supervisor or manager is responsible for maintaining a work environment that is free of harassment both sexual and otherwise. This includes communication of this policy to all associates and assuring that they are not subjected to insulting, degrading or exploitative behavior as defined above.

Big Lots also strictly prohibits sexual harassment. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Likewise, all associates are responsible for adhering to these guidelines and are prohibited from engaging in discriminatory or harassing behavior. Any associate who believes he/she has been the subject of harassment is responsible for promptly reporting the alleged act to Human Resources or his/her immediate supervisor.

All reports of harassment will be promptly investigated under the direction of Human Resources. All investigations of alleged harassment will be conducted with the utmost concern for the confidential and personal nature of the allegation and with a high degree of sensitivity to the individuals involved. Any associate who is found to have engaged in discriminatory or harassing conduct will be subject to appropriate disciplinary action, up to and including termination. Likewise retaliation against anyone reporting acts of harassment will not be tolerated.

This policy is intended to be in compliance with all Federal laws, specifically Title VII of the Civil Rights Act of 1964, and all State and Local laws dealing with unlawful discrimination and/or harassment. (See Equal Employment Opportunity, Open Door, Standards of Conduct)

**DEFENDANT'S
EXHIBIT**

7

Open Door

Last update: August 2005

Big Lots believes in dealing directly with all associates and further believes that all associates have a right to express their opinions, concerns, and to ask any questions they may have relating to their job or the Company. Any associate with a question or problem is entitled to use the Open Door Policy and may contact anyone in the organization.

Take the question or concern to your immediate supervisor or manager.

OR

If you have a question and do not wish to discuss the matter with your direct manager or supervisor, go to the next level manager.

OR

If you have a question or you just feel uncomfortable discussing the issue with one of the managers listed above, contact the appropriate member of the Human Resources Department:

- Store Associates: Contact the Regional Human Resources Manager.
- Distribution Associates: Contact the Distribution and Transportation Services Human Resources Manager.
- General Office Associates: Contact the General Office Human Resources Manager.

Associates wishing to make anonymous complaints or ask a question may call the Get Real Hotline at 1-866-834-REAL (1-866-834-7325).

All members of management are expected to maintain the integrity and communicate the spirit of the Open Door Policy.

Any attempt to thwart or retaliate against an associate for exercising his/her Open Door rights will be considered a serious violation of Company policy and may result in disciplinary action, up to and including termination of employment. (See Harrassment-Free Environment, No Solicitation, Standards of Conduct, Union-Free Environment)

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Print Policy

Standards of Conduct**Last update: August 2005**

Associates are expected to conduct themselves in a way that is conducive to an ethical business environment. Violations of company policy, public policy, or local, state, and federal laws will not be tolerated. Conduct is expected to reflect our Company's values at all times.

The following behaviors are unacceptable deviations from the Company Standards of Conduct:

- Violation of the Harassment-Free Environment Policy.
- Physical assault or attempted assault on another associate or customer.
- Engaging in conversation, gestures or behaviors that are considered lewd, offensive, abusive, and profane or threatening to associates and/or customers.
- Inappropriate fraternization, including having an intimate relationship with another associate whom you supervise, either directly or indirectly, or over whom you exert some influence or control by nature of your responsibility.
- Violation of the Drug-Free Workplace Policy, including but not limited to consuming intoxicating beverages or use of illegal drugs during scheduled work time; or reporting to work under the influence of intoxicating beverages or illegal drugs.
- Smoking in a company facility or company vehicle and/or use of chewing tobacco or similar products (See Smoke Free Policy).
- Conduct which results in a substantial risk of harm to a customer or another associate, or damage to Company property.
- Possession of weapons, including but not limited to, knives, firearms, explosives, or other instruments that may cause harm to others, intoxicating beverages, or illegal drugs on Company property, including parking lots, or while conducting Company business.
- Conviction of a criminal offense for a crime against the Company or related to the type of responsibilities performed for the Company.
- Dishonest activities such as, theft, selling merchandise at a price lower than that which is marked on the goods without authorization, consumption or use of merchandise that has not been previously purchased by the associate or approved by management.
- Violation of minor labor laws for those associates under eighteen (18) years of age. *NOTE: Associates less than eighteen (18) years of age are not permitted to load, unload or otherwise operate the cardboard baler. These associates are also not permitted to operate any type of power equipment. (See Employment of Minors Policy).*
- Violation of the No Solicitation Policy.
- Unauthorized use of Company property, facilities or resources (See Electronic Communications Policy).
- Unauthorized divulgence of personnel records or Company business (See Confidential Information Policy).
- Insubordination by refusing to complete work as assigned by a manager. In the event of conflicting instructions, the associate should follow the directions of the manager-on-duty and later request clarification.
- Unsatisfactory work performance including disregard of established safety practices and rules.
- Failure to cooperate with Company investigations or inspections.
- Excessive absenteeism or tardiness (See Attendance Policy).
- Working before or after scheduled time without specific authorization from management.
- Job abandonment, which includes two (2) consecutive days absence from scheduled work without calling into management (See Call-in Procedure Policy) or walking off the job without notifying management. These occurrences are considered voluntary terminations (See Termination of Employment Policy).
- Falsification of documents or records including but not limited to, employment application, expense reports, price change documents, timecards, permitting another associate to clock in or out for you, production reports, payroll management documents, etc.
- Misuse of the associate discount privilege by permitting someone not eligible to purchase items with the associate discount or by returning merchandise for a full refund when purchased with the associate discount (See Associate Discount

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Policy).

- Associates are not permitted to hold or hide merchandise for purchase at a later time. Associates may not purchase merchandise unless it is available for sale to the general public.
- The writing of bad checks to the Company.
- The following violations are store specific:
 - Any violation of established shopping regulations including processing unauthorized markdowns and/or ringing sales or handling any other transaction (i.e., returns, cashing checks, etc.) of your own or any immediate relative.
 - Improper use of "paid outs".
 - Cashing checks.
 - Use or unauthorized removal of store funds, or other Company resources, for personal use.
 - Unexplained single incident variance of \$50 or greater where till integrity has been maintained.
 - Single till variance of \$5 or more, and/or variances of \$15 or more in a 30-day period.
 - Failure of store associates to perform established procedures, including but not limited to, the following:
 - Completing daily bank deposits.
 - Securing funds properly.
 - Maintaining accountability for all funds transactions.
 - Conducting "cash pickups" when cash totals in excess of \$1500 in drop box and till.
 - Ensuring that Register operator "till drops" are made when cash exceeds \$100 of paper currency in till.
 - Ensuring all doors are locked and alarms set as required.
 - Ensuring all safety exits are accessible.
 - Securing safe, as required including maintaining confidential safe combination.
 - Maintaining key control.
 - Ensuring that store security cameras are operating daily and tapes maintained as required.
 - Allowing only authorized associates in controlled areas (i.e., stock room, cash office, etc.).
 - Violation of any other Company rules/regulations or any other action/activity that is deemed to be detrimental to the orderly operation of our Company.

Associates are expected to comply with this Policy and report violations immediately. In all of the above instances, the severity of an individual violation may warrant immediate termination. However, only those persons with the approval to terminate can make this determination (See Termination of Employment Policy).